

<b>Description</b>	County Planning Board February 9, 2010		
<b>Date</b>	02/09/2010	<b>Location</b>	County Planning Board
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:01:02 PM</a>	President C.B. Dormire	Call to Order. Members Present: C.B. Dormire, Kerry White, Don Seifert, Doug Espelien, Julien Morice, Susan Riggs, Marianne Jackson Amsden. Members Absent and excused: Pat Davis and Mike McKenna; Members Absent and unexcused: Byron Anderson. Staff Present: County Administrator/Interim Planning Director Earl Mathers, Planners Sean O'Callaghan, Warren Vaughan, Chris Scott and Tom Rogers, and Recording Secretary Glenda Howze	
<a href="#">6:01:12 PM</a>	President C.B. Dormire	Public Comment. Walt Sales with an update on the Amsterdam/Churchill Community Plan and movement to get done so there is no gap in the gravel pit regulations.	
<a href="#">6:02:49 PM</a>	President C.B. Dormire	Approval of the January 26, 2010	
<a href="#">6:03:19 PM</a>	Kerry White	Noted requested changes to time stamps 6:06:33, 6:50:11 and 7:59:00.	
<a href="#">6:04:42 PM</a>	President C.B. Dormire	The minutes stand approved as amended.	
<a href="#">6:04:47 PM</a>	President C.B. Dormire	Consent Agenda. a. Approval of Memorandum of Agreement between all Transportation Coordinating Committee Parties.	
<a href="#">6:05:11 PM</a>	Kerry White	Requested that the consent agenda item be removed from consent and placed on the regular agenda.	
<a href="#">6:06:29 PM</a>	President C.B. Dormire	Planning Department Update.	
<a href="#">6:06:37 PM</a>	Sean O'Callaghan, County Planning	Noted that the next couple of meetings will be busy with gravel pit matters. Also detailed other items that will be coming up on future agendas such as proposed changes to the subdivision regulations based on changes from the legislature and floodplain amendment; Growth Policy update status and other pending applications.	
<a href="#">6:09:00 PM</a>		Questions and discussion regarding Planning Department Update. The applications will be heard as soon as the agenda allows them after the gravel pit matters are completed, possibly by March 9th.	
<a href="#">6:10:17 PM</a>	President C.B. Dormire	Regular Agenda.	

<a href="#">6:10:18 PM</a>		Approval of Memorandum of Agreement between all Transportation Coordinating Committee Parties.
<a href="#">6:10:25 PM</a>	Chris Scott, County Planner	Presentation and explanation of amendments.
<a href="#">6:14:36 PM</a>		Questions and discussion with Staff and Board members regarding Belgrade's participation in the TCC, the newly formed TCC in Belgrade and the boundaries of both.
<a href="#">6:19:28 PM</a>	Jason Karp, Belgrade City-County Planning	The City became its own urban system when we achieved a certain population and we have our own transportation plan. This is much smaller than the Bozeman Area Transportation Plan but it did involve the County and the airport as well. It covers an area larger than the City limits, including where the interchange is to be located.
<a href="#">6:20:28 PM</a>	Kerry White	Did the City of Belgrade discuss the Bozeman Area Transportation Plan and was there a formal adoption of any portions of that?
<a href="#">6:20:50 PM</a>	Jason Karp, Belgrade City-County Planning	The Belgrade City-County Planning Board viewed the transportation plan and forwarded a recommendation of adoption to the County Commissioners but it doesn't go into the City limits so the City Council did not weigh in on it.
<a href="#">6:21:26 PM</a>	Earl Mathers, County Administrator	Indicated that there is not a memo from the County Commission requesting that the Planning Board approve the Memorandum of Agreement. Noted that he speculates that the Commission believes that because they have already approved it, that would be enough endorsement for the Planning Board to proceed.
<a href="#">6:22:11 PM</a>	President C.B. Dormire	Explained that he had requested something in writing from the Commission asking [the Planning Board] to approve this because there are some things in the scope of the document that are outside of the scope of authority of the Planning Board. Requested that something be provided to be placed in the record to bridge that gap but we obviously won't have it for tonight.
<a href="#">6:22:51 PM</a>	Earl Mathers, County Administrator	It is my opinion that the county Commission would favor an approval from this board in as much as you serve in an important advisory capacity to the Commission and they clearly are in support of the transportation plan.
<a href="#">6:23:20 PM</a>	Marianne Jackson Amsden	Having sat on the TCC I believe the only reason they want us to have a signature is because we're listed as a member of that committee and they'd like all the members to sign it. I would move that the President sign this document so that it can continue through its distribution process.
<a href="#">6:23:57 PM</a>	Susan Riggs	Second.

<a href="#">6:24:09 PM</a>		Vote: Unanimous.
<a href="#">6:24:29 PM</a>		a. Continuation of discussion of proposed gravel mining district boundary and regulation for the Amsterdam/Churchill Planning Area and Southern Valley District.
<a href="#">6:25:28 PM</a>	Tom Rogers, County Planner	<p>Explanation of County Attorney's opinion on the review and comment by both the County Planning Board and the appropriate City-County Planning Board for each proposed regulation. The County Attorney has indicated that the County Planning Board has the authority to review those regulations within the jurisdiction of the City-County Planning Boards if it so chooses. Both the Belgrade and Manhattan City-County Planning Boards have been reviewing regulations and drafting changes as they see fit for their area plan and long term development plan and will be forwarding their comments and recommendations to the County Commission. Distributed the map and regulations and asked if time permits for the Board to indicate to staff how it would like to handle this additional review if [you] choose. Reiterated that the County Attorney has indicated that the Board can defer to the existing boards or [the Board] can delve in and do a thorough review along with the existing two districts that are already in front of the Board. One thing that should be noted is the Manhattan, Amsterdam/Churchill, and Southern Area regulations are nearly identical. The descriptions and boundaries are identical but the content of the actual documents, CUP processes, etc., are essentially identical. Belgrade, however, is a comprehensive zoning document for their entire district which includes numerous subcategories and their overall plan to implement their planning area objectives. We are hoping that this will serve as a continuation of the previous discussion, with a decision to be made, hopefully, at the hearing on February 23, 2010 (for Amsterdam/Churchill and the Southern Area). There is an opportunity to go on to the 9th [with a decision] but the Commission is scheduled to adopt their Resolution of Intent on March 23, 2010. Presentation of documents provided to the Board.</p>
<a href="#">6:31:06 PM</a>	Kerry White	Inquired about why the County Planning Board isn't reviewing Manhattan and Belgrade's entire document, rather than just those section(s) pertaining to gravel pits since the County Attorney's office has said that it is within our jurisdiction to review. [The Planning Board can review the entire document if it chooses.]
<a href="#">6:34:03 PM</a>	Jason Karp, Belgrade City County Planning	I'm happy to say that Belgrade City-County Planning Board has undertaken the task of developing a set of zoning regulations for all the currently unzoned portions of the Belgrade City-County Planning Jurisdiction, a 4.5 mile donut around the City [of Belgrade]. Gave a history of the adoption of the draft regulations,

		including meetings in the community and subcommittee work. They borrowed heavily from the Four Corners document with some unique regulations added as they saw fit. The Planning Board did formally recommend the regulation to the County Commissioners and is currently being reviewed by the County Attorney's Office. Stated that they hope that the County Planning Board's recommendation will mirror what the Belgrade City-County Planning Board has recommended and asked that the Board trust the Belgrade Board and they work that they have done on this regulation. Offered a formal presentation if desired.
<a href="#">6:36:42 PM</a>		Questions and discussion between Board, Staff, and Mr. Karp regarding previous review of matters within the Belgrade City-County Planning jurisdiction by the County Planning Board, the format of the open cut operations section in Belgrade's regulation when reviewed by the City-County Board, and how changes made by the County Planning Board to the gravel pit regulations in other jurisdictions will be incorporated into the Belgrade (and Manhattan) document.
<a href="#">6:41:41 PM</a>	President C.B. Dormire	Inquired if the Commissioners are in a position of not requiring the Planning Board to do anything regarding the County Planning Board's review per 76-2-204 (1-2) MCA?
<a href="#">6:44:02 PM</a>	Earl Mathers, County Administrator	I believe that the Commission feels there are several legitimate options for the Planning Board. This is based on Mr. Lambert's interpretation of the statutes which indicates that he believes that you do have jurisdictional authority, but you are an advisory board so it would be recommendations that could be made. On the other hand it has also been discussed that it would be acceptable for you to defer this decision and the merit of that course of action, I believe, is that perhaps the lowest level planning authority, being closest to the people, is the most representative body that could deal with a decision like this. The recommendation of those lower jurisdictional authorities may be a very accurate depiction of the will of the people and the area that they serve. That adds legitimacy I believe to the one course of action that you can take which is to defer to those boards and pass the recommendations forth to the County Commission with like endorsement. Mr. Lambert has rendered a legal opinion that he stands on but it may be subject to some debate. We are proceeding with this and trying to get things done in a timely manner in order to get the finished product that we need.
<a href="#">6:47:02 PM</a>		Discussion regarding the action that is needed to be taken this evening on this matter.
<a href="#">6:47:52 PM</a>	Earl Mathers,	The Commission is very interested in having your

	County Administrator	recommendations on the Amsterdam/Churchill and Southern Valley Districts to a much greater degree than Belgrade.
<a href="#">6:48:14 PM</a>	Kerry White	76-2-204 (1) states that the County Planning Board and the City-County Planning Board shall make written reports of their recommendations to the Board of County Commissioners. Under subsection 2, this section shall apply to either the County Planning Board or the City-County Planning Board where only one of these planning boards has been established. In this area both Planning Boards have been established and it is our role and our duty to review these regulations and not just the gravel pit but the complete zoning regulations in its entirety. I believe state law mandates that we do.
<a href="#">6:50:00 PM</a>	Don Seifert	Read from Resolution 1990-36, the resolution that created the Planning Board, noting that it specifically states that "...its jurisdictional area shall be all of Gallatin County outside of the jurisdictional areas of the existing city-county planning boards for Bozeman, Belgrade, and Manhattan; outside the incorporated limits of Three Forks and West Yellowstone..." This is pretty explicit that we do not have jurisdiction inside the City-County Planning Board areas of Bozeman, Belgrade and Manhattan. This was signed in 1990 by Commissioners White, Jelinski and Pruitt. It is also my feeling after visiting with other planning people around the state that this opinion that Mr. Lambert has is only shared by Mr. Lambert. Other counties that have City-County Planning Boards have worked it so that one or the other board makes the decision for a particular area.
<a href="#">6:51:50 PM</a>	Marianne Jackson Amsden	Personally I hate to get nitpicky and quibble but it seems to me that the bylaw [resolution] might be in contradiction to Montana code. If that is the case then Montana code probably supercedes that, I'm not sure.
<a href="#">6:52:32 PM</a>		Discussion regarding the time constraints for the Manhattan/Belgrade jurisdictions versus the Amsterdam/Churchill and Southern Valley jurisdictions.
<a href="#">6:55:10 PM</a>	Don Seifert	Suggested that the Board work its way through the Amsterdam/Churchill and Southern Valley and if we find any discrepancies there then we decide what we're going to do with Belgrade and Manhattan after we've digested the two that we have on our plates right now.
<a href="#">6:55:42 PM</a>	Susan Riggs	I am in favor of allowing the more local boards (in this case the two City-County Planning Boards) to decide their own fates. There are two ways that we can do that - we can either say that our resolution is more restrictive or do the deferral route. Either would be in compliance with State law. Marty made it clear that we can

		defer our powers to the more local boards.
<a href="#">6:56:30 PM</a>	President C.B. Dormire	Began Board discussion on the substance of proposals.
<a href="#">6:56:59 PM</a>	Don Seifert	Amsterdam/Churchill - this is laying down some of the boiler plate language. Hope that we don't get hung up on Section 2.2, if you look at the end of that on page 19, it basically says that all uses are allowed except open cut operations and that open cut operation require a conditional use permit. Once they get ready to do their other zoning that will be modified. Hopefully we don't get hung up on that type of thing and that we just look at 2.4 and the open cut operations and how all that happens.
<a href="#">6:59:19 PM</a>		Discussion and questions the boundary area of the Gallatin Gateway/Southern Valley area and the regulation language that appears to be beyond open cut mining and how/why this language got into the document
<a href="#">7:06:11 PM</a>	Don Seifert	Suggested that a way to alleviate this concern is to make a recommendation to remove any language that has to do with structures and anything that is not related to open cut mining.
<a href="#">7:07:34 PM</a>	Sean O'Callaghan, County Planner	Provided explanation of how and why this language was included, noting that it will make it easier to incorporate the more comprehensive zoning regulation in the specific areas to have the basic administrative language in place already.
<a href="#">7:10:43 PM</a>		Continued discussion regarding the extended boundaries beyond the Gallatin Gateway area.
<a href="#">7:19:12 PM</a>	Doug Espelien	Expressed great concern regarding this document opening the door for a wider range of zoning or more government involvement down the road.
<a href="#">7:20:34 PM</a>	County Attorney Marty Lambert	Suggested that this type the Board needs to have these discussions with the Commissioners as they set policy. The administration and enforcement of the regulations in the district are important to me as well as consistency, certainty, fairness to all persons who live within a district, fairness to all persons who might apply for a particular type of activity within a district - these are all my concerns. What might happen down the road a few years are policy concerns.
<a href="#">7:21:54 PM</a>	Marianne Jackson Amsden	I personally didn't see much cause for alarm in 1.3.1, that standard language has useful applications. In 1.3.2 we might consider something like "all new construction pertaining to open cut mining is potentially subject to the provisions..." to just make it more specific.
<a href="#">7:22:23 PM</a>	Kerry White	Requested that staff record all of the suggested amendments and

		provide a summary at the next meeting of the things discussed between the Board members for further discussion.
<a href="#">7:23:09 PM</a>	President C.B. Dormire	Stated that the utility of those provisions that Mr. Espelien mentioned were intended not to have an operative effect with respect to the open cut mining provisions but to make easier the task of drafting amendments next time to implement the more comprehensive zoning regulations within the smaller area.
<a href="#">7:24:05 PM</a>	County Attorney Marty Lambert	The grandfathering of the prior non-conforming uses would apply to potentially to a gravel operation. There is some language in 1.3.1 and 1.3.2 which would potentially impact gravel operations.
<a href="#">7:24:30 PM</a>		Questions and discussion between Board members and the County Attorney regarding the creation of a larger zone, expansion or amendment of the zoning regulations, overlaying of zoning districts, and the impact of protests on this process.
<a href="#">7:32:27 PM</a>	Susan Riggs	Noted that the City of Bozeman has "overlay" zones which allow for a zoning district to have a more specific set of regulations over that.
<a href="#">7:33:08 PM</a>	County Attorney Marty Lambert	That would be the same administrative rules, the same boards being responsible for interpreting and administering the rules and enforcing the regulation. (In this case the City of Bozeman.)
<a href="#">7:33:35 PM</a>	Doug Espelien	Asked if in the event that there was a conflict in regulations if the County's regulations supercede the Gallatin Gateway regulations?
<a href="#">7:33:57 PM</a>	County Attorney Marty Lambert	They are one in the same. If there were to be an additional set of regulations later one, they are all going to be adopted by the County Commission. Hopefully staff would work that out so that there would be no conflict there. If that occurs in the future it is all going to be the same regulation, same zoning district. If an "overlay" is done in the future it is going to be a sub-part, a section added to this regulation. The Commission will ultimately decide whether or not to adopt it at all. The landowners will decide whether or not it should be protested out and staff will hopefully keep it all as consistent as possible. It is going to be the same district, it is not going to be a different zoning entity.
<a href="#">7:35:15 PM</a>	Doug Espelien	Asked if at some point in time the Gateway are would be allowed to add more restrictions to their district.
<a href="#">7:35:30 PM</a>	County Attorney Marty Lambert	Stated that they could make changes if they wanted to add regulations to the larger district but they will not be able to make changes to the gravel portion of the regulation.



<a href="#">7:36:12 PM</a>		Continued discussion regarding the 180 days/grandfathering clause. The 180 days is a policy decision that is the call of the Commission.
<a href="#">7:38:08 PM</a>	Don Seifert	Explained that the only time that a gravel pit would be out of operation for 180 days would be if their DEQ permit were expired. Also noted that the "out of operation" would pertain to a reclaimed pit, not one that is continuing to be a mining operation whether operating or not.
<a href="#">7:39:03 PM</a>	County Attorney Marty Lambert	If that is the Task Force's view that is reasonable but the document doesn't say that and this may be an area that could be made more specific along the lines of the statements made.
<a href="#">7:41:01 PM</a>	President C.B. Dormire	2.6.4, page 14, I believe this is the provision that brings in the requirements in statute that caused all of the protests and other provisions to apply not only to the establishment but to the revision of boundaries or an amendment of the regulation. If the statute were amended to delete the references to revision and amendment at some time and the provisions in the regulation remain unchanged, would amendments to the regulation or revisions of the boundaries be subject to the protest and other provisions that were in the statute at the time the regulation was adopted or would those provisions no longer apply?
<a href="#">7:42:32 PM</a>	County Attorney Marty Lambert	The general rule is that those provisions would no longer apply.
<a href="#">7:42:37 PM</a>	President C.B. Dormire	Would it be possible to draft 2.6.4 and any other relevant provisions to provide a different result?
<a href="#">7:42:47 PM</a>	County Attorney Marty Lambert	Yes, you could change the regulation to spell out what is in 205(1). You could also talk about the fact that this is governed by the statute and any subsequent amendment that is made to this statute. That is another good point regarding the way that this is written, it could be made more clear.
<a href="#">7:44:32 PM</a>	President C.B. Dormire	It would be possible to preserve the right by changing the language in this regulation?
<a href="#">7:44:40 PM</a>	County Attorney Marty Lambert	It would be possible to try and make the process the same in 2010 regardless of what the legislature would do in the future. You can't always bind what future Commissions might do unless 201 zoning completely goes away in Montana law, which is unlikely. The Commission is going to have that authority and they are also going to have authority to amend the regulation and the process in the regulation itself. In terms of the statute, there are various ways that



		you could deal with that.
<a href="#">7:46:15 PM</a>	Kerry White	<p>In looking at the open cut operations conditional use permits, which is 2.4 - 2.4.1 has the intent A-L. In B the statement "adequate mitigation for significant adverse impacts" - "significant adverse impacts" is mentioned in several places. My problem is there is no clear definition of significant and adequate mitigation is not defined as to adequate to who. This permit process and the mining of sand and gravel is clearly not preventable. You can't prohibit it, it has to be allowed in all areas not zoned residential. Also in 2.4.1 it says that we are going to regulate off-site hauling, so we are not only regulating the property effected but also regulating the hauling of any materials after it leaves the property. That is a lot of time on state or federal highways. Under D "perpetuate the taxable property value of regulated property and adjacent and neighboring properties. I made this comment before, we want to try and protect the taxable property value of those properties that are going to come under this regulation. Under E - provide for compatible uses, I don't see a definition of what a compatible use is. Under H - protect surface and ground water quality - I'm wondering what the impact would be to the property owner as to how we would go about proving his case that he was protecting surface and ground water quality - what kind of cost to a study would he have to come up with in order to prove that to allow for him to receive a Conditional Use Permit. Prevent degradation of soil, water, air, plant life - there is some more cost, potential studies to put a burden on the property owner to get a gravel permit. Also potential pollution sources - this is the possibility that he may pollute, not that he adversely affected or significant adverse effects. Then K - "among others" opens the door to anything that any future Commission or governing body may come up with. Unreasonable depletion, I'm not sure how that contributes to unreasonable. I have quite a bit of problems with this as being undefined a</p>
<a href="#">7:52:57 PM</a>	Don Seifert	<p>Most of these things are already required by DEQ interior to the permit area. All we are asking for is for that to be expanded slightly to address off-site concerns as well. "Significant adverse impact" - I did a search in Montana Code Annotated, "significant" is listed in MCA 211 times, never once defined. That is the gray area. That is where the mitigation comes in. That is where [the Commissioners] say "this is a significant impact." That is where the negotiation comes in. C - off-site, we want to talk about impacts on the County infrastructure. If it is MDT we'll take care of the state highways, without this particular phrasing here we couldn't address the impacts on county infrastructure roads. Perpetuate taxable property value of the regulated property and the</p>

		adjacent neighboring properties - certainly, that is one of the things that needs to be considered. Compatible uses - cattle probably are compatible; a subdivision next door may need to have some mitigation, berms and that kind of thing. F - adverse impacts on state and county transportation facilities - again, in safe operations, those are certainly things that we want to address. A lot of that is addressed in the permit. Minimize health and safety risk to adjacent neighbors - certainly we want to address that. Protect surface and ground water, prevent the degradation of soil and air, prevent erosion - these are all things that need to be considered.
<a href="#">7:56:38 PM</a>	President Kerry White	Would it be fair to summarize that the difference between the two of you is that you recognize that there is room to argue on the meaning of some of these terms and that is desirable. [Yes]
<a href="#">7:57:05 PM</a>	Kerry White	Asked how many of A-L are over and above what DEQ and/or DNRC regulate in a gravel pit permit?
<a href="#">7:57:41 PM</a>	Don Seifert	DEQ only regulates what happens inside the pit.
<a href="#">7:58:07 PM</a>	Tom Rogers, County Planning	A-L are entirely new given off-site mitigation is not done by DEQ. Discussed A-L and noted the differences between the draft requirements and the current DEQ permitting requirements.
<a href="#">8:03:11 PM</a>	Kerry White	You've stated that six of these are in addition to DEQ, deferred one, and five are already addressed by DEQ on-site only. Many of these do not say if they pertain to on or off-site.
<a href="#">8:04:22 PM</a>	Doug Espelien	Inquired about D, "protect and perpetuate the taxable property value of the regulated property and adjacent neighboring properties" - how this is done?
<a href="#">8:04:40 PM</a>	Don Seifert	This regulation is all off-site. We don't try to regulate anything on-site - that is all handled by DEQ. Mitigate significant adverse impacts - the intent is to say we have mitigated air quality, traffic routes, hours of operation, lighting, noise, etc., and by mitigating all of that we've done the best we can to protect property values. There is as much information to say that a gravel pit has lowered property values as there is to say that it had no impact or potentially enhanced property values. As far as a dollar figure for the property we are not addressing that, we are saying by mitigating these significant adverse impacts we have done the best we can for property values.
<a href="#">8:06:55 PM</a>	Julien Morice	I have the same concern on D - if possible could the verbiage be adjusted to say that there isn't going to be an economic analysis done on an adjacent property to assess the value of the property? If it is just because you're mitigating stuff and dealing with the problems associated with the pit then I think D should not be as broad as it is but narrowed to point to the protection of property

		values by doing these things.
<a href="#">8:07:55 PM</a>	President C.B. Dormire	We are not re-writing the document tonight but collecting people's thoughts. Certainly it could be written to be more narrow or more specific.
<a href="#">8:08:10 PM</a>	Julien Morice	I think a lot of these, I can understand the need for some to be broad, but we are looking at a set of guidelines and rules and trying to understand how they are going to be enforced and what the criteria of those rules are. I think you need to know those things to have an opinion on some of the generalizations. I can understand why some of them are broad but you also need to be more specific on how these things are going to be enforced and what the criteria is.
<a href="#">8:09:33 PM</a>	County Attorney Marty Lambert	Proof beyond a reasonable doubt. How do you define reasonable? It is pretty much what Don said initially - that is what Commissioners do, they can't act arbitrarily, they have to have objective evidence to support their findings, the same as a Board of Adjustment would potentially look at a given fact situation and determine if there was or was not significant adverse impact. There are some things that you just can't define to the nth degree, you just have to rely on the common experience of folks that are going to make those decisions. I like B on page 9, "significant adverse impact" - that is what the Commission has to find. You have to show that there will not be significant adverse impact on nearby properties, somewhat more easily quantified. As a lawyer I share your concerns and I've heard them before. The water stuff is more objective, more scientific, more easily quantified. If there is something in there, aside from the expense issue, you ought to be able to have data that says there is or isn't an issue here. Significant adverse impact on properties - you can bring folks in to take opposite sides of that, that happens all the time.
<a href="#">8:12:09 PM</a>		Discussion regarding how complaints are presented and the process for addressing these.
<a href="#">8:14:09 PM</a>	President C.B. Dormire	At the next meeting I think that maybe our approach should be not to try to edit the entire document but to make and decide on, as a board, suggestions as to policy such as: "We think there should be more specificity against which interpretation could be measured in the document." Not get hung up on too much specific language in the document because we're just making recommendations to the Commission so if we can't prevail on things like that apply broadly throughout the document we won't prevail on language suggestions here and there. On the other hand where there are some very fine points like the 180 days point, that doesn't say what we think it was intended to do, we can make a point to the Commission who can

		then have the County Attorney's Office assist in editing. Otherwise I don't think we'll finish in the timeframe allotted to us and we won't have a great deal of effect. If we have too much detail in our comments no one will listen to us, that is my thought.
<a href="#">8:17:06 PM</a>	Don Seifert	Offered some history. There are a couple things that are important to realize - to the neighbor portion of the Task Force, addressing the property values is sacred language to those folks. That is the hill that they were going to die on. Industry always wants to pull that out, however, that is in essence the only thing that the neighbors have and that is the hill they were willing to die on. The other important thing to realize is that this regulation was voted on unanimously by the neighbors, industry and planning members of the Task Force. While I can appreciate the input, realize that we have re-hashed this again and again and most everything that is in here is in here for a reason. I'm hoping that this Board respects the work that the Task Force has done and recognizes that it was a unanimously approved document.
<a href="#">8:19:01 PM</a>	Julien Morice	Inquired about what portion of the document was unanimously voted on.
<a href="#">8:19:11 PM</a>	Don Seifert	The document that the Task Force put out in essence was 2.4. We recommended that the County be zoned in its entirety.
<a href="#">8:19:37 PM</a>	Julien Morice	I have spoke to some of the people on the Task Force and they applaud your efforts but they did vote against some of the criteria that is listed in here, for instance D - the property rights item. This is what I was told by Ron Pike.
<a href="#">8:20:12 PM</a>	Don Seifert	I can pull up the votes, I can read it to you, the regulation was unanimously voted on that if the County is going to adopt zoning regulations this is the regulation that we want in place. I can show you what the votes were and what the document looked like that we voted on. It is a bit different than this in form because we're not planners and there is some boiler plate stuff that has to be in here (legally) and that has been adopted in here but the essence of the regulation that we worked on is contained in this document.
<a href="#">8:21:26 PM</a>	Julien Morice	Comments regarding the property values item and how the determination of the effect on the neighbor's property value will be problematic.
<a href="#">8:22:52 PM</a>	Don Seifert	That is why one of the findings that the Commission has to make, they will issue a conditional use permit only after finding that the open cut operation will not have significant adverse impacts on nearby properties, property values, nearby land uses or nearby residences. That is why the neighborhoods want it in here so that the Commission is forced to look at property values. If that goes

		out of here the Commission doesn't have to look at property values. The neighbors want the Commission to look at property values, they want it to be part of the findings.
<a href="#">8:24:08 PM</a>	President C.B. Dormire	Returned back to the discussion regarding 76-2-204 MCA, regarding what the Planning Board must, should or can if we choose to do regarding the Manhattan Area Zoning District, for example. We were discussing the County Attorney opinion as was described by Tom and Earl as to what the Commission thinks we must do. Specifically, if the Commissioners do not require the Planning Board to recommend, does the County Planning Board have a duty to recommend?
<a href="#">8:26:31 PM</a>	County Attorney Marty Lambert	There is a Supreme Court decision that admonishes the Flathead County for adopting a regulation without getting a recommendation from an appropriate planning board. I would suggest that you must give recommendations on the two districts - Southern Valley and Amsterdam/Churchill because there is no other planning body to give recommendations. If you assume that there will be recommendations from the Manhattan City-County Planning Board and the Belgrade City-County Planning Board then that statute will be satisfied [for those areas], however you may weigh in with regard if you wish. As long as the Commission gets a recommendation from a duly constituted planning authority then that would be sufficient. The [County] Planning Board would not be remiss in not making a recommendation in these two areas. Please do give recommendations on the two County areas but you can weigh in but the other two are up to you as a matter of policy.
<a href="#">8:29:20 PM</a>	Kerry White	76-2-204(2) this section shall apply to either the county planning board or the city-county planning board where only one of these has been established. Where there are two boards established, doesn't that change the requirement to review?
<a href="#">8:29:59 PM</a>	County Attorney Marty Lambert	I don't think so. To me that means that subsection 2 doesn't apply because you have both boards. So you look at the first subsection (read). Two just says that you're going to be able to deal with it whether you have a City-County Planning Board or a County Planning Board but you have both.
<a href="#">8:30:40 PM</a>	Kerry White	Only. Where only one of these boards have been established you can use either one but it seems to me that if both have jurisdiction, it says the County Commissioners shall require the County Planning Board and the City-County Planning Board to recommend boundaries.
<a href="#">8:31:02 PM</a>	County Attorney Marty	It does and you can take that into account when deciding whether you want to weigh in on Belgrade and Manhattan. This is why the safest thing to do it to let you decide whether or not want to take

	Lambert	all four.
<a href="#">8:31:23 PM</a>		Discussion including reiteration of comments by Belgrade City-County Planner Jason Karp as well as clarification on where this document is in the process of approval with the County Commission and specifics of review by the Belgrade City-County Planning Board.
<a href="#">8:38:10 PM</a>	President C.B. Dormire	Suggested that the Board needs to come to some resolution on the Belgrade/Manhattan review matter.
<a href="#">8:39:13 PM</a>	Susan Riggs	I think we should defer our powers to the more local planning boards. Let them make the decision.
<a href="#">8:40:01 PM</a>	Marianne Jackson Amsden	I think that if there are members of the Board that have time and inclination to review Belgrade and Manhattan that they should and make comments on it. Not all Board members have the time or inclination. Typically we send things to subcommittees so it isn't important for the whole Board to be involved. There is no harm in rising above the bar if that is where we want to go.
<a href="#">8:40:48 PM</a>	Kerry White	We are asked to review gravel pit regulations in two of the districts in the County. I see very little difference between the gravel pit regulations in Manhattan, Belgrade, the Southern District and the Amsterdam area. I think once we come to grips on the regulation itself and what's in the regulation, I think it would be very simple, it shouldn't be a big process to look over the Belgrade Zoning Regulations or the Manhattan Zoning Regulations. I think 2.4 and 2.6 are all basically the same. I don't think it is a big process for the Board. I would appreciate the opportunity for this Board to be able to weigh in on all of those districts that are part of the County outside of the municipalities.
<a href="#">8:42:19 PM</a>	Don Seifert	I agree with Susan. If we are not required to comment on it, I would defer to the more local group which would be the two City-County Planning Boards. There are representative from the County on both of those boards, so the County is represented there. If individuals on the County Planning Board wish to make comments as private citizens to those two, I certainly don't have a problem with that. If we find some glaring error in the Amsterdam/Churchill or the Southern Valley those will be noticed up to the Commission and I would assume if there were big problems the Commission would apply those equally over the Board if they desire to do so. If Manhattan City-County Planning and Belgrade City-County Planning and want to review it, let them fly right at it and if they don't want to then I think we are required to review it.
<a href="#">8:43:59 PM</a>	Doug	I think that if time permits that perhaps the County Planning



	Espelien	should review both the Manhattan and Belgrade projects. However, I agree with Susan and Don that the grassroots level is important and it is important to keep it there if we can. In two weeks we can re-evaluate how it is coming with the Gateway and Amsterdam projects. This is turning out to be a lot more complicated and a lot more detailed than I ever thought it was going to be and I'm not convinced that we're going to be able to come to any kind of decisions on all four sites in a timeframe that we have. Maybe like Kerry says there will be enough overlap on all four sites that it will be relatively easy, but I think we have a ways to go before I can make a decision on this.
<a href="#">8:45:28 PM</a>	Julien Morice	Concurred with what Doug said.
<a href="#">8:45:40 PM</a>	President C.B. Dormire	Suggested that if we comment on the two districts [Amsterdam/Churchill and Southern Valley] we will in essence have commented on the other two whether or not we say we are. We could comment and make a recommendation to the Commission on the two non-municipal districts and then comment on the other two as well but recommend that the Commission convey our comments to Manhattan and Belgrade but in the end defer to the decisions made in Manhattan and Belgrade. That way we will have made everyone aware of what we think and will have enabled the Commission to point to what we have done as satisfying the statutory requirements of the County Commission action will be valid and yet we will have not appeared to be trying to impose a view on the Manhattan and Belgrade processes. I think we ought to all think about what we want to do and come back to this after the next agenda item to see if we have a consensus or we don't.
<a href="#">8:49:00 PM</a>		b. Consideration of means of obtaining legal advice to Board at meetings and otherwise.
<a href="#">8:49:56 PM</a>	President C.B. Dormire	Presentation on the choices for legal representation at the meetings.
<a href="#">8:50:50 PM</a>		Questions and discussion on this matter including having representation at designated meetings, on a request basis, the financial impact of having legal staff present, and the request for legal services form that County Departments use.
<a href="#">8:58:54 PM</a>	President C.B. Dormire	We will continue this discussion at a future meeting.
<a href="#">9:02:10 PM</a>		c. Scheduling of consideration of re-adoption and amendment of by-laws.
<a href="#">9:02:13 PM</a>	President C.B. Dormire	I think we ought to do something to clear the air on this topic and determine the status of our bylaws, without touching on the



		Commission's rights and duties with respect to managing the County and the Planning Board. We ought to set aside on a future meeting, on the agenda, an item to discuss and decide on the re-adoption and amendment to the bylaws in their current form. Specifically the question would be whether or not to delete item 14. Recommended a motion that would amend the bylaws to delete item 14 and explanation of other possible motions for consideration.
<a href="#">9:06:36 PM</a>		d. Committee Reports.
<a href="#">9:06:49 PM</a>	Don Seifert	Wastewater Committee update.
<a href="#">9:07:36 PM</a>	President C.B. Dormire	Discussion regarding committee assignments.
<a href="#">9:08:06 PM</a>	Susan Riggs	Requested to be taken off of the Budget Committee and placed on the Subdivision Regulations Committee.
<a href="#">9:09:18 PM</a>	Marianne Jackson Amsden	Requested to be on the Donut Zoning re-write.
<a href="#">9:09:32 PM</a>		Discussion regarding which committee this falls into.
<a href="#">9:11:03 PM</a>	Sean O'Callaghan, County Planner	There are no distinct subdivision regulations related to the Donut. What is related to the Donut are the Gallatin County/Bozeman Area Zoning Regulations. Whether you decide to amend the Subdivision Committee to be a Subdivision and Zoning Committee or not, that is up to the Board. The Neighborhood Planning Committee is well versed in looking at proposed zoning regulations so I would think they would be well versed in looking at proposed amendments to existing regulations.
<a href="#">9:11:57 PM</a>	Julien Morice	I like the Subdivision Regulations Committee and thought I was on the Growth Policy Committee.
<a href="#">9:12:49 PM</a>	Doug Espelien	Interested in the Budget Committee. [Discussion when this committee typically meets and needs to meet this year.]
<a href="#">9:15:44 PM</a>	President C.B. Dormire	Returned to the discussion regarding the County Planning Board's review of the Belgrade and Manhattan Area Zoning Regulations.
<a href="#">9:15:46 PM</a>	Sean O'Callaghan	Noted complications with the approach suggested by President Dormire based on notice issues.
<a href="#">9:17:26 PM</a>		Discussion regarding the Board's desire on the Belgrade and Manhattan districts.
<a href="#">9:17:48 PM</a>	Don Seifert	I have had a change in heart. I'm concerned that we are up at a solid deadline. Even a one-hour lapse [in the zoning regulations] could prove problematic. I'm going to change my mind. I think that we may want, in order to cover us legally, to make at least a

		cursory comment on Belgrade and Manhattan. Then we can say that we supplied comment, even if it is a consent agenda item, just to make sure there is not a lapse in the event that Belgrade or Manhattan fail to do something on their end.
<a href="#">9:19:32 PM</a>	County Attorney Marty Lambert	As you are looking at the gravel pit substantive portion, you are looking at all four regulations basically. The only difference would be the extent that you want to look at those other sections in the Belgrade regulation. As you do your work that you've started tonight and as you go forward, you are already taking care of Manhattan as well as that consists of only the gravel regulation, so that is a reasonable and legally defensible suggestion.
<a href="#">9:20:20 PM</a>	Julien Morice	I do think that the Manhattan/Belgrade is a little different than the Southern Valley/Gateway Area in the sense that Manhattan/Belgrade is grassroots, that is what they want. I'm for them making the decision and if we don't need to be a part of it since we do need to get moving on the other then them making their own decision is fine with me. Even though the regulations are the same, the bigger envelope around Gateway doesn't come from the Gateway residents it comes from the Commission. The guts of the document are essentially the same but how its being applied and who is creating it is different.
<a href="#">9:21:48 PM</a>		Board members White and Riggs retain their original opinions on the review of the additional two districts.
<a href="#">9:22:03 PM</a>	Julien Morice	Doug said that if we have time he'd comment on Manhattan/Belgrade. I'd be fine, in the interest of moving things along, letting them make their own decisions. We don't need to see it. If it was something that we had time to look at and maybe comment, fine, if there isn't time for that, it is going to be their jurisdiction anyway.
<a href="#">9:22:46 PM</a>	Marianne Jackson Amsden	Stated that she felt Don's point could be better argued in the reverse that we could have more of a problem with notification and legal issues by diving into it now than by letting those two jurisdictions handle it on their own. Assuming notification requirements could be met I think it is prudent for us to comment keeping in mind that we ought to mostly be deferring to the more local decision makers.
<a href="#">9:23:29 PM</a>		Discussion with the County Attorney and staff regarding making no recommendation or deferring recommendation to the individual city-county planning boards, notice requirements needed for the decisions on all four of the districts, how changes to one regulation will effect the other district regulations,
<a href="#">9:32:03 PM</a>	President	Requested assistance from staff to point out any substantive

	C.B. Dormire	differences between the four regulations.
<a href="#">9:32:36 PM</a>	Sean O'Callaghan, County Planner	With the exception of the legal descriptions and the names, Amsterdam/Churchill, Southern Valley and Manhattan are the same. The Belgrade one is a comprehensive zoning regulation that deals with more than the gravel pits. The language that is in there pertaining to gravel pits is similar to the Task Force's recommendation. Jason did say that the City-County Planning Board will be taking a second look at that area of the regulation after a drafting session with the County Attorney's Office, which should make it verbatim the same as the other three.
<a href="#">9:34:26 PM</a>	President C.B. Dormire	Asked Planner Tom Rogers to undertake the task of reviewing the Belgrade document and prepare a memo with his impression of where there are differences so that the Board can focus on those area.
<a href="#">9:34:36 PM</a>	Tom Rogers, County Planner	Agreed to do so and stated that he will work with Jason on this. Clarified substantive changes.
<a href="#">9:35:17 PM</a>		Discussion regarding timing of hearings of the four different regulations and whether to have them on the same agenda, different agendas or what combination of items on the agenda if on different meeting, and the impact on public in attendance.
<a href="#">9:39:07 PM</a>	Sean O'Callaghan	Commented on the problem with changing the hearing schedule at this point for the Amsterdam/Churchill and Southern Valley discussions. These are both noticed to be heard at the February 23rd meeting. The notices in the Belgrade and Manhattan area will be revised to reflect a hearing before this board on March 9th.
<a href="#">9:41:56 PM</a>	Marianne Jackson Amsden	Item C, bylaws discussion. Requested that if there are discussions about this item in the meantime that they should be amongst everyone or no one. Discussion should take place among everyone at the meeting of between everyone via email and fax.
<a href="#">9:43:07 PM</a>		Meeting adjourned.